

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JENNEBA KABIA,

Petitioner,

- against -

**BLANCA JARAVATA and
METRO HEALTH CARE SERVICES, INC.,**

Respondents.

**Docket No.
06-CV-05351
(BSJ)(HBP)**

**NOTICE OF MOTION
FOR ENTRY OF DEFAULT,
ENTRY OF JUDGMENT BY
DEFAULT, AND
ENFORCEMENT OF
AGENCY ORDER**

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**TO: BLANCA JARAVATA
METRO HEALTH CARE SERVICES, INC.,
176 East 106th Street, Apt. 2F
New York, New York 10029**

PLEASE TAKE NOTICE that upon submission, pursuant to Federal Rule of Civil Procedure 55(b)(2), Petitioner Jenneba Kabia will move before the Honorable Judge Henry Pitman, U.S.M.J., at the United States Courthouse, 500 Pearl Street, New York, New York, 10007 for entry of an Order against Respondents, Blanca Jaravata and Metro Health Care Services, Inc., as follows:

- a. Entering a default against Respondents Blanca Jaravata and Metro Health Care Services, Inc. on the grounds of Respondents' failure to answer Petitioner's Application for the Enforcement of a final decision and order dated October 13, 2004 by the U.S. Department of Justice, Executive Office for Immigration Review, Office of the Chief Administrative Hearing Officer or otherwise move or appear before the time for answering such Application expired;

- b. Entering a judgment by default against Respondents, Blanca Jaravata and Metro Health Care Services, Inc. on the grounds of Respondents' failure to answer Petitioner's Application for the Enforcement of a final decision and order dated October 13, 2004 by the U.S. Department of Justice, Executive Office for Immigration Review, Office of the Chief Administrative Hearing Officer or otherwise move or appear before the time for answering such Application expired;
- c. Enforcing the agency order by the U.S. Department of Justice, Executive Office for Immigration Review, Office of the Chief Administrative Officer, entered on the 13th day of October 2004;
- d. Entering Judgment in the amount of \$40,970.00, plus prejudgment interest and post-judgment interest at the prevailing federal rate;
- e. Awarding attorneys' fees in the amount of \$16,450.00;
- f. Granting such other and further relief as this Court deems just and proper under the circumstances.

PLEASE TAKE FURTHER NOTICE that Petitioner will rely on the accompanying affirmation of Marlen S. Bodden, dated January 8, 2007, the affidavit of Petitioner Jenneba Kabia, sworn to the 4th day of January 2007, and on all exhibits thereto. A proposed form of Order is submitted herewith.

Dated: New York, New York
January 8, 2007

Respectfully submitted,

By: /S/
Marlen S. Bodden (MSB 7806)
Amy M. Hong (AH 0067)
Of Counsel to Christopher D. Lamb,
Attorney-in-Charge (CL 8145)
THE LEGAL AID SOCIETY
Employment Law Project
Attorneys for Petitioner
199 Water Street, 3rd Floor
New York, NY 10038
(212) 577-3287

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JENNEBA KABIA,

Petitioner,

- against -

**Docket No.
06-CV-05351
(BSJ)(HBP)**

**REQUEST TO
ENTER DEFAULT**

**BLANCA JARAVATA and
METRO HEALTH CARE SERVICES, INC.,**

Respondents.

**TO: J. MICHAEL MCMAHON, CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Please enter default of Respondents Blanca Jaravata and Metro Health Care Services, Inc. pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend the above-captioned action as fully appears from the court file herein and from the attached affirmation of Marlen S. Bodden.

Dated: New York, New York
January 8, 2007

By:____/S/_____
Marlen S. Bodden (MSB 7806)
Amy M. Hong (AH 0067)
Of Counsel to Christopher D. Lamb
Attorney-in-Charge (CL 8145)
THE LEGAL AID SOCIETY
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JENNEBA KABIA,

Petitioner,

- against -

**Docket No.
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(BSJ)(HBP)**

CLERK'S CERTIFICATE

**BLANCA JARAVATA and
METRO HEALTH CARE SERVICES, INC.,**

Respondents.

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on January 14, 2005 with the filing of an Application for Enforcement of Agency Order, a copy of the Application for Enforcement of Agency Order was served on the Respondents by U.S. postal service in a properly stamped envelope addressed to 176 East 106th Street, Apt. 2F, New York, New York 10029, and proof of such service thereof was filed on January 27, 2005.

I further certify that the docket entries indicate that the Respondents have not filed an answer or otherwise moved with respect to the Application herein. The default of the Respondents, Blanca Jaravata and Metro Health Care Services, Inc., are hereby noted.

Dated: New York, New York
_____, 2007

J. MICHAEL MCMAHON
Clerk of Court

By: _____
Deputy Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JENNEBA KABIA,

Petitioner,

- against -

**Docket No.
06-CV-05351
(BSJ)(HBP)**

**PROPOSED ORDER OF
DEFAULT JUDGMENT**

**BLANCA JARAVATA and
METRO HEALTH CARE SERVICES, INC.,**

Respondents.

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This action having been commenced on January 14, 2005 by the filing of the Application for Enforcement of Agency Order, and a copy of the Application for Enforcement of Agency Order having been served on the Respondents, Blanca Jaravata and Metro Health Care Services, Inc., on January 27, 2005 by mail service on, and a proof of service having been filed on January 27, 2005 and the Respondents not having answered the Application, and the time for answering the Application having expired, it is

ORDERED, ADJUDGED AND DECREED: That the Petitioner Jenneba Kabia does recover from the Respondents Blanca Jaravata and Metro Health Care Services, Inc. the sum of \$40,970.00 the amount awarded in the agency order of the U.S. Department of Justice, Executive Office for Immigration Review, Office of the Chief Administrative Hearing Officer, dated October 13, 2004, plus prejudgment and postjudgment interest and attorneys' fees in the sum of \$16,450.00 and that Petitioner have execution therefor.

Dated: New York, New York
_____, 2007

U.S.D.J.

This document was entered on the docket
on_____.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JENNEBA KABIA,

Petitioner,

- against -

**Docket No.
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**STATEMENT OF
DAMAGES**

**BLANCA JARAVATA and
METRO HEALTH CARE SERVICES, INC.,**

Respondents.

Principal amount sued for.....\$ _____

Interest at _____% from _____ through _____.....\$ _____

Costs and Disbursements:

Clerk's fee.....\$ _____

Process Server fee for service.....\$ _____

Statutory fee.....\$ _____

Total (as of _____).....\$ _____

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JENNEBA KABIA,

Petitioner,

- against -

**Docket No.
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(BSJ)(HBP)**

**CERTIFICATE OF
SERVICE**

**BLANCA JARAVATA and
METRO HEALTH CARE SERVICES, INC.,**

Respondents.

I hereby certify that today I caused to be served, via next-day delivery and regular mail, two copies of a Notice of Motion for Entry of Default, Entry of Judgment By Default, and Enforcement of Agency Order with supporting affirmations, affidavits, exhibits, Memorandum of Law dated January 8, 2007, and proposed Order, on the following entities and individuals:

**BLANCA JARAVATA
METRO HEALTH CARE SERVICES, INC.,
176 East 106th Street, Apt. 2F
New York, New York 10029**

I certify under penalty of perjury that the foregoing statements made by me are true and accurate to the best of my knowledge.

Dated: New York, New York
January 8, 2007

Respectfully submitted,
By: _____/S/
Amy M. Hong (AH 0067)
Of Counsel to Christopher D. Lamb,

Attorney-in-Charge (CL 8145)
THE LEGAL AID SOCIETY
Employment Law Project
199 Water Street, 3rd Floor
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Attorneys for Petitioner